



Rationale

Reporting child sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children and young people are safe in their care and to ensure that all forms of abusive behaviours towards children are prevented.

It is a clear legal duty on **all** adults to report child sexual abuse to police. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child has an obligation to report that information to police.

Under the *Crimes Act 1958 (Vic)* and the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*, it is now an offence for failure by a person in authority to protect a child under the age of 16 years from a sexual offence when:

- The person has information sufficient to form a reasonable belief that a sexual offence has been committed in Victoria against a child; and
- Without reasonable excuse, the person fails to report the information to Victoria Police as soon as practicable.

Staff mandated to report (e.g. principals, teaching staff, psychologists and school nurses) now do so under the *Children, Youth and Families Act 2005 (Vic)* and the *Crimes Act 1958 (Vic)*.

This obligation **applies to all non-mandated staff and adult community members** and is separate to the mandatory reporting framework. It is subject to some exclusions, such as:

- The person reasonably believes that the information has already been disclosed to the police;
- The victim is over the age of 16 at the time that the information is received, does not have an intellectual disability and requests that the information not be disclosed;
- The information is in the public domain;
- The person fears on reasonable grounds for the safety of any person (except the offender) if the information is disclosed and the failure to disclose is a reasonable response in the circumstances.

It is imperative to prevent, reduce and minimise child abuse and exploitation in all their forms.

Scripture

“But if anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him? Little children let us not love in word or talk but in deed and in truth. “ 1 John 3 17-18

Vision

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Inspired by the life of Christ, our Presentation Heritage and the Salesian Charism, Nagle College is a Catholic community that welcomes, builds strong relationships, evangelizes and prepares young people for life.

Mission

- Develop a safe, nurturing and hope-filled community based on Christ’s message of love, justice and service.
- Be people of dignity, respect, compassion, resilience and unconditional love”.

Aim

This policy informs Nagle College of their responsibilities in relation to this disclosure/reporting obligation.

This policy acknowledges the particular duty Nagle College staff have towards young people in their care. It respects the dignity of young people and Nagle College staff and it outlines their rights and responsibilities.

Principles

- The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Nagle College.
- A safe environment is required to protect young people from harm and to prevent staff from abusing their position of authority and trust.
- Staff need to be informed of matters related to child sexual abuse and be fully self-aware of their professional obligations and responsibilities.
- All young people have the right to an education in personal safety, including safety in relationships.
- After a disclosure, any ongoing harm to the child/young person and the employee is minimised by:
 - adherence to agreed procedures
 - provision of appropriate social and emotional support and pastoral care
 - appropriate confidentiality.
- Failing to disclose the risk or act of sexual abuse against a child/young person is a serious offence.

Definitions

For the purposes of this policy, the following definitions apply:

- **Child and Young Person:** A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.
- **Confidential:** Being entrusted with private and restricted information that must be



treated as such, both in verbal and written form.

Duty of Care

Staff or volunteers working in schools have a duty of care to support and protect the children and young people with whom they are professionally involved.

When staff members form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some staff members this obligation is legally mandated. (Refer Nagle College Mandatory Reporting of Child Physical and Sexual Abuse Policy)

Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care
- fails to report when mandated.

Reasonable belief

A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

Procedures

This policy should be read in conjunction with the College's Child Protection Program and Child Protection Policies.

The successful implementation of this policy will include the following:

- Regularly communicating this policy to staff.
- Education children in personal safety and about grooming.



- Professional development of staff.
- Taking action that is timely, respectful and coordinated when a staff member forms a belief that a child/young person is at risk of being harmed through sexual abuse. The matter must be referred to Victoria Police. Victoria Police has primary responsibility for conducting investigations into the alleged matter.
- If a mandated staff member, reporting to the Department of Health and Human Services (DHHS) unless advised by the Police.
- Ensuring that the child/young person and their family/carer's have access to appropriate services in order to reduce any long-term effects of the abuse.
- Documenting all allegations and retaining records in a secure area, ensuring their confidentiality.

Expected Outcomes

- Nagle College staff are expected to be self-aware of their professional obligations and responsibilities and report to police any reasonable believe of the **risk, or act**, of sexual abuse against a child/young person.
- An education in personal safety, including safety in relationships, will be provided for students at the school.
- Approved professional learning in providing education in personal safety will be provided to all staff,
- All allegations of grooming will receive a prompt response and be clearly documented,

Related Policies

- Nagle College Child Protection Program (2016).
- Child Protection and Safety Policy.
- Mandatory Reporting of Child Physical and Sexual Abuse Policy.
- Protection of Children-Grooming Policy.